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**Birch, Stewart,
Kolasch & Birch, LLP**

Fax

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JAN 18 2005

To:	Office of NTFMP	From:	Leonard R. Svensson
Fax:	(703) 872-9306	Pages:	12 including cover sheet
Phone:		Date:	January 18, 2005
Your Ref.:	10/817,155	Our Ref.:	0459-0741PUS2
Re:	Letter Submitting Documents for Completion of an Application		
CC:			

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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◆ **Comments:** Attached are the following:

- Letter Submitting Documents for Completion
- Response to Notice to File Missing Parts of Non-Provisional Application
- Copy of Stamped Dated Postcard
- Copy of Notice to File Missing Parts of a Non-provisional Application

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MS MISSING PARTS
PATENT
0459-0741PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
JAN 18 2005

Applicant: Morton Sloth Weidner Conf.: 1184
Appl. No.: 10/817,155 Group:
Filed: April 2, 2004 Examiner:
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE
CARBOXY DERIVATIVE AND AN H2 HISTAMINE
RECEPTOR ANTAGONIST

THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS
FOR COMPLETION OF AN APPLICATION
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

MS MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The application papers for the above-identified application were originally filed on April 2, 2004 and the application was assigned Appl. No. 10/817,155.

DOCUMENTATION

- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) (☐ original ☐ photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- ☐ Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached

Appl. No. 10/817,155

to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on April 2, 2004, including any amendments thereto (if applicable) filed on even date therewith.

- ☐ The undersigned hereby declares that "Attorney Docket No. 0459-0741PUS1 " on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/817,155, filed April 2, 2004, entitled "CHEMICAL COMPLEX COMPRISING A PYRIDINE CARBOXY DERIVATIVE AND AN H2 HISTAMINE RECEPTOR ANTAGONIST."
- ☒ Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
- ☐ See the attached Translator's Verification; or
- ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☐ Attached are _____ () sheet(s) of drawings. Please substitute these corrected drawings for the corresponding _____ () sheets of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

Appl. No. 10/817,155

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☒ Attached is a Response to Notice to File Missing Parts of Non-Provisional Application.

FEES

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- ☒ Basic Filing Fee(s): \$395.00 (37 C.F.R. § 1.16(a)-(d))
- ☐ The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
- ☐ Large Entity - \$130.00 ☐ Small Entity - \$ 65.00
- ☐ The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:
- ☐ was previously paid for concurrently with the filing of the application on .
- ☐ is attached hereto.
- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 = \$0	0 x 125 = \$0

Appl. No. 10/817,155

- ☒ Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$955.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL	51	-	20	=	0	\$50 (large)	\$775.00
INDEPENDENT	1	-	3	=	0	\$200 (large)	\$0.00
<input checked="" type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$180.00
						TOTAL	\$955.00

- ☐ No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.
- ☒ Applicant hereby respectfully petitions for a five (5) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$1,080.00 is attached hereto.
- ☒ Applicant hereby submits the basic filing fee of \$395 for a small entity application.
- ☐ Check(s) in the amount of \$0.00 to cover the basic filing fee(s), surcharge fee(s), additional claim fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.

Appl. No. 10/817,155

- ☒ Please charge Deposit Account No. 02-2448 in the amount of \$2,430.00.
- ☐ No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Leonard R. Svensson #46,183
Leonard R. Svensson, #30,330

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

LRS/KR/sbp
0459-0741PUS1
Attachment(s)

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
Trademark Office:
On January 18, 2005
[Signature] Date
[Signature] Signature
Sandra B. Pauls
Typed or printed name of person signing certificate

MS MISSING PARTS
PATENT
0459-0741PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Moth Sloth WEIDNER Conf.: 1184
Appl. No.: 10/817,155 Group:
Filed: April 2, 2004 Examiner:
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE
CARBOXY DERIVATIVE AND AN H2 HISTAMINE
RECEPTOR ANTAGONIST

RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION

MS MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The Notice to File Missing Parts dated June 18, 2004 required Applicant to submit an Oath/Declaration to perfect the filing of the application. The Oath/Declaration was required to comply with 37 CFR 1.63 and identify the application by application number and filing date. Applicant wishes to advise the United States Patent and Trademark Office that a proper Declaration was filed with the application on April 2, 2004. As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the postcard indicating

Appl. No. 10/817,155

receipt of the Declaration by the United States Patent and Trademark Office.

Applicant would point out that the present application is a continuation application and, as such, Applicant submitted a copy of the declaration filed in the parent case as specifically permitted under 37 CFR 1.63(d)(1)(i). Accordingly, Applicant has not, and is not required to submit a new Oath/Declaration.

Reconsideration and removal of this requirement is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

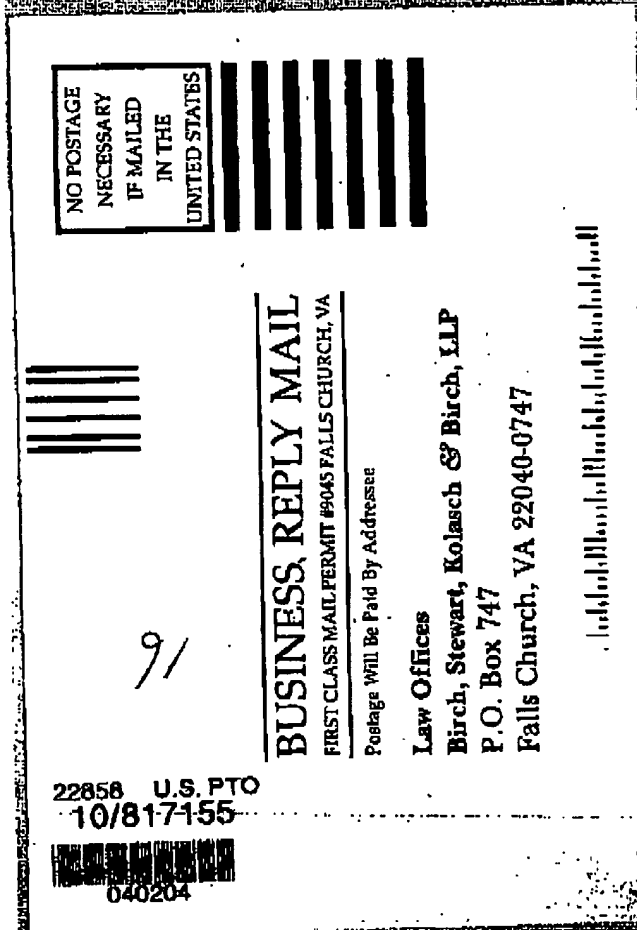
by Kalpana Reddy # 46,183

Leonard R. Svensson, #30,330

LRS/KR/sbp
0459-0741PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Postcard Receipt



Papers Filed herewith on: April 2, 2004
DOCKET NO.: 0459-0741PUS2 ATTY: URS/KR
APPLICANT(S): WEIDNER
APPLN. NO.: NEW FILED: Apr. 2, 2004
PAT NO.: _____

☒ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☒ Filing Under 37 CFR 1.53(b) ☒ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114 (RCE)
☒ Specification Consisting of: 31 pages
☒ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-ink
☐ Completion of Filing Requirements, PCT/DOVEQ/805
or Formalities Letter and Executed Declaration
☒ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☒ Information Disc Summ. PTO-1449(s) _____ doc(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
☐ FEES:
☐ Letter:
☒ Other Express Mail Certificate
EV 286058867 US

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: _____
Handcarry: _____

DOCKET NO. 0459-0741PUS2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/817,155	04/02/2004	Morten Sloth Weidner	0459-0741PUS2

02292

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 1184

FORMALITIES LETTER



OC000000012993037

Date Mailed: 06/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$848 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1748 for a Large Entity


- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$848**

- **\$558** for **31** total claims over 20.
- **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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